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Human resources management

Amendments to the Staff Regulations and Rules

Report of the Secretary-General

Summary

In accordance with staff regulations 12.1 and 12.3 and General Assembly resolution 70/244, the present report contains the full text of amendments to the Staff Regulations and Rules required for the implementation of the revised education grant scheme and the new mandatory age of separation for staff members appointed before 1 January 2014. In addition, the report contains the full text of amendments to existing rules and the rationale for the amendments.

The General Assembly is requested to approve the amendments to the Staff Regulations and to take note of the amendments to the Staff Rules set out in the annexes to the present report.

The Secretary-General proposes to implement the amendments as from 1 January 2018.

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I. Amendments to the Staff Regulations and Rules

1. Staff regulation 12.3 provides that the full text of provisional staff rules and amendments shall be reported annually to the General Assembly.

2. Pursuant to staff regulation 12.4, the proposed amendments contained in the annexes to the present report will take effect on 1 January 2018, subject to any modifications that may be directed by the General Assembly.

3. The annexes to the present report contain proposed amendments to the Staff Regulations and Rules required to reflect prior legislative decisions regarding the implementation of the mandatory age of separation of 65 years for staff members appointed before 1 January 2014 and the implementation of the revised education grant scheme approved by the General Assembly in its resolution 70/244. Other amendments are proposed to provide further clarity or revise provisions on the basis of best practices and the jurisprudence to date.

4. Annex I contains the proposed amendments to the Staff Regulations. Annex II provides the full text of the amendments to the Staff Rules.

A. Regulations

5. Regulation 3.2 (a) is being amended to revise the criteria covering post-secondary education to make the grant payable up to the end of the school year in which the child completes four years of post-secondary studies or attains a first post-secondary degree, whichever comes first, subject to the upper age limit of 25 years, as approved by the General Assembly in section III, paragraph 26, of its resolution 70/244. In accordance with section III, paragraphs 27 and 28, of the same resolution, the reference to the amount of the grant based on 75 per cent of admissible expenses is being replaced by the sliding scale of reimbursement of admissible expenses consisting of tuition, including tuition in the mother tongue, and enrolment-related fees actually incurred. The reference to the additional education grant at designated duty stations is being deleted.

6. Regulation 3.2 (b) relating to additional assistance with boarding costs at designated duty stations is being deleted. A new paragraph (b) is added to reflect the decision of the General Assembly to limit assistance with boarding-related expenses to staff serving in field duty stations whose children are boarding to attend school outside the duty station and to provide flexibility for the Secretary-General to establish conditions under which boarding assistance would exceptionally be granted to staff members serving at headquarters duty stations (resolution 70/244, sect. III, para. 29).

7. Regulation 3.2 (e) is being deleted: as stepchildren and adopted children are already covered by the definition of child in staff rule 3.6 (a) (ii), that provision is not needed.

8. Regulation 3.6 (b) is being amended to replace "husband and wife" with "spouses", aligning the provision with the rest of the Staff Regulations and Rules.

9. Staff regulation 9.2 is being amended to reflect the increase in the mandatory age of separation to 65 years for all staff members, including those appointed prior to 1 January 2014, as endorsed by the General Assembly in section I of its resolution 70/244.

B. Rules

10. Rule 3.9 is being amended as follows:

(a) Rule 3.9 (a) (i): to update a cross reference to staff rule 3.6 (a);

(b) Rule 3.9 (d) (i): to reflect the decision of the General Assembly to revise the criteria covering post-secondary education to make the grant payable up to the end of the school year in which the child completes four years of post-secondary studies or attains a first post-secondary degree, whichever comes first, subject to the upper age limit of 25 years, contained in section III, paragraph 26, of its resolution 70/244;

(c) Rule 3.9 (g): to reflect the decision to limit the education grant travel entitlement to staff members whose children are boarding to attend school at the primary or secondary levels, in accordance with section III, paragraph 30, of resolution 70/244;

(d) Rule 3.9 (h): to reflect the decision to eliminate the two round-trip education grant travel entitlements in designated duty stations, as endorsed by the General Assembly in section III of its resolution 70/244.

11. Rules 4.14 and 4.16 are being amended to clarify that, in accordance with the long-standing policy of the Organization, these rules apply only to recruitment examinations for posts in the Professional category (i.e., the young professionals programme and examinations for language posts).

12. In conjunction with the amendment to staff regulation 9.2, rule 9.6 is being amended to refer to the normal retirement age established under the United Nations Joint Staff Pension Fund so that the payment of termination indemnities in case of termination for health reasons would not apply to staff members who would be entitled to a retirement benefit under the Regulations of the Pension Fund by virtue of having reached the normal retirement age but have not yet reached the new mandatory age of separation of 65 years.

13. Rule 10.4 is being amended to clarify at what point a staff member may be placed on administrative leave and to include allegations of sexual exploitation and sexual abuse as a specific instance in which a staff member may be placed on administrative leave without pay.

14. Rule 11.5 is being amended to align the deadline for filing an appeal with the deadline indicated in the statute of the United Nations Appeals Tribunal.

15. A new staff rule 13.13 is being added to reflect the acquired rights of staff members to separate at their normal retirement age, as defined under the Regulations of the United Nations Joint Staff Pension Fund, and to ensure that staff members whose mandatory age of separation falls on or prior to 31 December 2017 retain the applicable mandatory age of separation of 60 or 62 years, pursuant to section I of General Assembly resolution 70/244.

C. Appendix B

16. Appendix B is being amended as follows to implement the revised education grant scheme approved by the General Assembly:

(a) Replacement of the current maximum education grant amounts specified in 15 currency/country zones with a global sliding scale of reimbursement consisting of seven brackets, in accordance with section III, paragraph 28, of General Assembly resolution 70/244;

(b) Addition of a new paragraph (i) to define the admissible expenses and specify that capital assessment fees should be covered outside the education grant scheme, as approved by the General Assembly in section III, paragraphs 27 and 31, respectively, of its resolution 70/244;

(c) Establishment of a lump sum of $5,000 for boarding-related expenses payable to staff serving in field locations whose children are boarding to attend school outside the duty station at the primary or secondary level and, in exceptional cases, to staff members serving at headquarters duty stations, as approved by the General Assembly in section III, paragraph 29, of its resolution 70/244;

(d) Addition of new paragraphs (iv) and (v) on the special education grant to reflect the decision of the General Assembly to maintain the current list of admissible expenses for the special education grant, as well as to reflect the new maximum amount of the special education grant, pursuant to section III, paragraphs 35 and 36, of resolution 70/244.

D. Appendix D

17. Article 2.3 of Appendix D is being amended to remove the exclusion of coverage currently applicable to "telecommuting" or "teleworking". As is the case when staff members are on official travel, coverage under appendix D should be linked to the performance of official duties on behalf of the United Nations and not to whether the duties are performed on United Nations premises or away from the office. While staff members are responsible for maintaining a safe environment at the remote workplace, the Organization should not be fully exonerated from its liability while the staff members are performing official duties from another authorized location.

III. Actions to be taken by the General Assembly

18. **The General Assembly is requested to approve the amendments to the Staff Regulations contained in annex I and to take note of the amendments to the Staff Rules contained in annex II.**

Annex I

Text of amendments to the Staff Regulations*

Regulation 3.2

(a) The Secretary-General shall establish terms and conditions under which an education grant shall be available to a staff member residing and serving outside his or her recognized home country whose dependent child is in full-time attendance at a school, university or similar educational institution of a type that will, in the opinion of the Secretary-General, facilitate the child's reassimilation in the staff member's recognized home country. The grant shall be payable in respect of the child up to the end of the ~~fourth year of post-secondary studies~~ **school year in which the child completes four years of post-secondary studies or attains a first post-secondary degree, whichever comes first, subject to the upper age limit of 25 years.** ~~The amount of the grant per scholastic year for each child shall be 75 per cent of the admissible educational~~ **Admissible** expenses actually incurred **shall be reimbursed based on a sliding scale**, subject to a maximum grant as approved by the General Assembly. **Under conditions established by the Secretary-General,** ~~T~~travel costs ~~of~~ **for** the child **of a staff member in receipt of assistance with boarding expenses and attending school at the primary or secondary levels** may also be paid for an outward and return journey once in each scholastic year between the educational institution and the duty station. ~~, except that in the case of staff members serving at designated duty stations where schools do not exist that provide schooling in the language or in the cultural tradition desired by staff members for their children, such travel costs may be paid twice in the year in which the staff member is not entitled to home leave.~~ Such travel shall be by a route approved by the Secretary-General but not in an amount exceeding the cost of such a journey between the home country and the duty station;

~~(b) The Secretary-General shall also establish terms and conditions under which, at designated duty stations, an additional amount of 100 per cent of boarding costs subject to a maximum amount per year as approved by the General Assembly may be paid in respect of children in school attendance at the primary and secondary levels;~~

(b) Under conditions established by the Secretary-General, assistance for boarding-related expenses shall be provided to staff members serving in duty stations other than those classified as headquarters duty stations and whose children are boarding to attend school outside the duty station at the primary and secondary levels, at an amount approved by the General Assembly. The Secretary-General may establish conditions under which boarding assistance may exceptionally be granted to staff members serving at headquarters duty stations whose children are boarding to attend school outside the duty station at the primary and secondary levels;

~~(c) The Secretary-General may decide in each case whether the education grant shall extend to adopted children or stepchildren.~~

Regulation 3.6

(b) If both ~~husband and wife~~ **spouses** are staff members, one may claim, for dependent children, under subparagraph (a) (i) and (ii) above, in which case the other may claim only under subparagraph (a) (iii) above, if otherwise entitled;

* Proposed deletions are shown in strikeout and additions in bold type.

Regulation 9.2

Staff members shall not be retained in active service beyond the age of ~~60~~ **65** years. ~~or, if appointed between 1 January 1990 and 31 December 2013, beyond the age of 62 years or, if appointed on or after 1 January 2014, beyond the age of 65 years.~~ The Secretary-General may, in the interest of the Organization, ~~extend this~~ **retain staff members in service beyond this age limit** in exceptional cases.

Annex II

Text of amendments to the Staff Rules

Rule 3.9
Education grant

Definitions

(a) For the purposes of the present rule:

(i) "Child" means a child of a staff member who is dependent on the staff member for main and continuing support as defined in staff rule 3.6 (a) (ii) **and (iii)**;

Duration

(d) (i) The grant shall be payable up to the end of the school year in which the child completes four years of post-secondary studies **or attains a first post-secondary degree, whichever comes first**;

Travel

(g) A staff member to whom ~~an education grant~~ **boarding assistance** is payable under paragraphs ~~(i),~~ (ii) or (**iiiv**) of appendix B to the present Rules in respect of the child's attendance at an educational institution **at the primary or secondary level** shall be entitled to travel expenses for the child of one return journey each scholastic year between the educational institution and the duty station, under conditions established by the Secretary-General. If travel to the duty station by the child is not possible, return travel by the staff member or spouse may be authorized in lieu of travel by the child, under conditions established by the Secretary-General.

~~(h) Two return journeys may be paid for children of eligible staff members serving at designated duty stations, under conditions established by the Secretary-General.~~

Tuition in the mother tongue

(~~i~~ **h**) Tuition for teaching in the mother tongue under staff regulation 3.2 (c) may be reimbursed subject to conditions established by the Secretary-General.

Special education grant for a child with a disability

(~~j~~ **i**) A special education grant for a child with a disability shall be available to staff members in all categories, whether serving in their home country or not, provided that they hold a fixed-term or a continuing appointment. The amount to which a staff member is entitled under the grant is set out in appendix B to the present Rules, under conditions established by the Secretary-General.

Claims

(~~k~~ **j**) Claims for education grant shall be made in accordance with conditions established by the Secretary-General.

Rule 4.14
Continuing appointment

(b) Staff members recruited **in the Professional category** upon successful completion of a competitive examination pursuant to staff rule 4.16 shall be granted

a continuing appointment after two years on a fixed-term appointment, subject to satisfactory service.

Rule 4.16
Competitive examinations

(b) Boards of examiners shall make recommendations to the Secretary-General in respect of the following:

(i) Appointment: appointment to P-1 and P-2 posts that are subject to the system of desirable ranges and to posts **in the Professional category** requiring special language competence at the United Nations Secretariat shall be made exclusively through competitive examination;

Rule 7.2
Official travel of eligible family members

(a) Eligible family members, for the purposes of official travel, shall be deemed to comprise a spouse and those children recognized as dependants under staff rule 3.6 (a) (iii). ~~In addition, those children in respect of whom an education grant is payable, even though they are no longer recognized as dependants under staff rule 3.6 (a) (iii), shall be eligible for education grant travel.~~

Rule 9.6
Termination

Termination for health reasons

(i) The appointment of a staff member who has not attained the ~~mandatory~~ **normal** age of retirement **as defined under article 1 (n) of the Regulations of the United Nations Joint Staff Pension Fund** ~~established in the Staff Regulations and Staff Rules~~ but whose physical or mental condition or extended illness renders him or her incapacitated for further service may be terminated after exhaustion of any sick leave entitlement.

Rule 10.4
Administrative leave pending investigation and the disciplinary process

(a) A staff member may be placed on administrative leave, subject to conditions specified by the Secretary-General, at any time after an allegation of misconduct and pending the ~~initiation of an investigation~~ **completion of a disciplinary process.** Administrative leave may continue ~~throughout an investigation and~~ until the completion of the disciplinary process.

(c) Administrative leave shall be with full pay except **(i) in cases in which there is probable cause that a staff member has engaged in sexual exploitation and sexual abuse, or (ii)** when the Secretary-General decides that exceptional circumstances exist which warrant the placement of a staff member on administrative leave with partial pay or without pay.

Rule 11.5
United Nations Appeals Tribunal

(b) An appeal may be filed by either party against the judgment of the United Nations Dispute Tribunal within ~~45~~ **60** calendar days following receipt of the Dispute Tribunal's judgment. An appeal shall not be receivable by the United Nations Appeals Tribunal unless the deadline has been met or has been waived or suspended by the Appeals Tribunal.

New rule 13.13
Acquired right to normal retirement age

(a) Staff members have an acquired right to their normal retirement age as defined under article 1 (n) of the Regulations of the United Nations Joint Staff Pension Fund. The normal age of retirement for staff members who became participants in the United Nations Joint Staff Pension Fund prior to 1 January 1990 is 60 years. For staff members whose participation commenced or recommenced between 1 January 1990 and 31 December 2013, the normal age of retirement is 62 years. These staff members may choose to separate from service at their normal age of retirement, or anytime thereafter, before the age of 65.

(b) Staff members who wish to exercise their acquired right as described in staff rule 13.13 (a) above and separate from service at their normal age of retirement or anytime thereafter before the age of 65 shall give written notice of three months if holding a continuing appointment, or 30 calendar days if holding a fixed-term appointment. The Secretary-General may, however, accept shorter notice.

(c) Staff regulation 9.2 is not applicable to staff members who had reached their normal retirement age on or before 31 December 2017 and had received an exceptional extension of service by the Secretary-General beyond 31 December 2017. They will be required to separate upon the conclusion of their exceptional extension of service.

Appendix B

Education grant entitlements ~~applicable in cases where educational expenses are incurred in specified currencies and countries~~

~~**Effective as from the school year in progress on 1 January 2013**~~

~~Currency~~	~~(1) Maximum amount admissible educational expenses and maximum grant for disabled children~~	~~(2) Maximum education grant~~	~~(3) Normal flat rate when boarding not provided~~	~~(4) Additional flat rate for boarding (at designated duty stations)~~	~~(5) Maximum grant for staff members serving at designated duty stations~~	~~(6) Calculation for maximum admissible educational expenses (attendance only)~~
~~Euro~~						
~~Austria~~	~~18 240~~	~~13 680~~	~~3 882~~	~~5 824~~	~~19 504~~	~~13 064~~
~~Belgium[a]~~	~~16 014~~	~~12 011~~	~~3 647~~	~~5 470~~	~~17 481~~	~~11 151~~
~~France[b]~~	~~11 497~~	~~8 623~~	~~2 127~~	~~4 691~~	~~13 314~~	~~7 328~~
~~Germany~~	~~20 130~~	~~15 098~~	~~4 232~~	~~6 484~~	~~21 582~~	~~14 367~~
~~Ireland~~	~~17 045~~	~~12 784~~	~~3 147~~	~~4 721~~	~~17 505~~	~~12 849~~
~~Italy~~	~~21 601~~	~~16 201~~	~~3 223~~	~~4 836~~	~~21 037~~	~~17 304~~
~~Netherlands~~	~~18 037~~	~~13 528~~	~~3 993~~	~~5 990~~	~~19 518~~	~~12 713~~
~~Spain~~	~~17 153~~	~~12 864~~	~~3 198~~	~~4 797~~	~~17 661~~	~~12 889~~
~~Danish krone~~	~~122 525~~	~~91 894~~	~~28 089~~	~~42 134~~	~~134 028~~	~~85 072~~
~~Japanese yen~~	~~2 324 131~~	~~1 743 098~~	~~609 526~~	~~914 290~~	~~2 657 388~~	~~1 511 430~~
~~Swedish krona~~	~~157 950~~	~~118 462~~	~~26 219~~	~~39 328~~	~~157 790~~	~~122 901~~

Currency	(1) Maximum amount admissible educational expenses and maximum grant for disabled children	(2) Maximum education grant	(3) Normal flat rate when boarding not provided	(4) Additional flat rate for boarding (at designated duty stations)	(5) Maximum grant for staff members serving at designated duty stations	(6) Calculation for maximum admissible educational expenses (attendance only)
Swiss franc	32 932	24 699	5 540	8 310	33 009	25 545
Pound sterling	25 864	19 398	3 821	5 731	25 129	20 769
United States dollar (in the United States of America)[c]	45 586	34 190	6 265	9 399	43 589	37 233
United States dollar (outside the United States of America)	21 428	16 071	3 823	5 735	21 806	16 331

[*] Except for the following schools, where the United States dollar (in the United States) level will be applied: the International School of Brussels, the British School of Brussels and St. John's International School.

[^] Except for the following schools, where the United States dollar (in the United States) level will be applied: American School of Paris, American University of Paris, British School of Paris, European Management School of Lyon, International School of Paris, Marymount School of Paris, École Active Bilingue Victor Hugo and École Active Bilingue Jeannine Manuel.

[c] Also applies, as a special measure, for China, Hungary, Indonesia, the Russian Federation and Thailand; the American Cooperative School in Tunis (Tunisia); and the American International School of Johannesburg (South Africa).

Admissible expenses

(i) Admissible expenses shall include tuition, tuition in the mother tongue and enrolment-related fees. Non-reimbursable capital assessment fees shall be reimbursed outside the education grant scheme, under conditions established by the Secretary-General. Admissible expenses actually incurred shall be reimbursed at the rates indicated in the sliding scale below.

Education grant entitlements in effect as of the school year in progress on 1 January 2018

Claim amount bracket (United States dollars)	*Reimbursement rate (percentage)*
0-11 600	86
11 601-17 400	81
17 401-23 200	76
23 201-29 000	71
29 001-34 800	66
34 801-40 600	61
40 601 and above	–

~~**Attendance at an educational institution outside the duty station**~~

~~(i) Where the educational institution provides board, the amount shall be 75 per cent of the allowable costs of attendance and board up to the maximum amount indicated in column 1, with the maximum annual grant indicated in column 2.~~

(ii) In addition to the reimbursement of admissible expenses, a lump-sum amount of 5,000 United States dollars shall be paid to staff members serving in duty stations with a hardship classification of "A" to "E" whose child is boarding to attend school at the primary or secondary level outside the staff member's duty station. In exceptional cases and at the

discretion of the Secretary-General, the lump-sum boarding assistance may be granted to a staff member at a headquarters duty station in respect of a child boarding to attend school at the primary and secondary levels outside the duty station.

~~(ii) Where the educational institution does not provide board, the amount shall be a flat sum as indicated in column 3, plus 75 per cent of the allowable costs of attendance up to the maximum annual grant indicated in column 2.~~

~~**Attendance at an educational institution at the duty station**~~

~~(iii) The amount shall be 75 per cent of the allowable costs of attendance up to the maximum indicated in column 1, with the maximum annual grant indicated in column 2.~~

(~~i~~v~~iii~~)**The lump-sum amount for boarding assistance shall also be payable to a staff member serving at a duty station with a hardship classification of "A" to "E" whose child is boarding to attend school at the primary or secondary level when** ~~Where~~ the educational institution is located beyond commuting distance from the area where the staff member is serving and, in the opinion of the Secretary-General, no school in that area would be suitable for the child~~, the amount of the grant shall be calculated at the same rates as specified in paragraph (i) or (ii) above~~.

~~**Attendance at an educational institution at the primary or secondary level outside the duty station, for designated duty stations with inadequate or no educational facilities**~~

~~(v) Where the educational institution provides board:~~

~~a. 100 per cent of the costs of board up to the maximum amount indicated in column 4; and~~

~~b. 75 per cent of the allowable costs of attendance and any part of the costs of board in excess of the amount indicated in column 4, with a maximum reimbursable amount as indicated in column 5.~~

~~(vi) Where the educational institution does not provide board:~~

~~a. A flat sum for board as indicated in column 4; and~~

~~b. 75 per cent of the allowable costs of attendance, with a maximum reimbursable amount as indicated in column 5.~~

Special education grant

(iv) Under conditions established by the Secretary-General, admissible expenses for a child with a disability shall include those educational expenses required to provide an educational programme designed to meet the needs of the child so that he or she may attain the highest level of functional ability. The amount of the grant for each child with a disability shall be 100 per cent of the admissible expenses actually incurred, subject to a maximum reimbursement equal to the upper limit of the top bracket of the sliding scale in paragraph (i) above.

(v) When boarding is provided, the actual expenses shall be included in the calculation of the admissible expenses, subject to a maximum reimbursement equal to the upper limit of the top bracket of the sliding scale in paragraph (i) above plus the amount of 5,000 United States dollars, equivalent to the lump-sum for boarding assistance.

Appendix D

Rules governing compensation in the event of death, injury or illness attributable to the performance of official duties on behalf of the United Nations

Article 2.3
Excluded claims

~~(vi) Incident having occurred while the staff member was working remotely from home or another authorized location outside the United Nations premises, known as "telecommuting" or "teleworking".~~